

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DARLIE LYNN ROUTIER,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 5:05-cv-01156-FB
	§	(Death Penalty Case)
BOBBY LUMPKIN, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

**STATUS REPORT**

Darlie Lynn Routier is a Texas death-sentenced inmate who challenged the constitutional validity of her conviction and sentence in federal court pursuant to 28 U.S.C. § 2254. On June 29, 2009, this Court stayed and administratively closed this cause “until the proceedings connected to the DNA testing and retesting have run their course in the state court.” ECF<sup>1</sup> No. 53, Order at 2. The Court ordered both parties to file joint status reports every 180 days, advising this Court on the current status of Routier’s efforts to obtain DNA-testing in the state court. ECF No. 60. A current status report is now due.

The Director is not a party to the state court DNA action and possesses no independent knowledge of those proceedings. However, the undersigned

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<sup>1</sup> “ECF” refers to the Electronic Case Filing system for the Western District, following by the docket number entry and, where applicable, page number.

counsel contacted Cynthia Garza, Chief of the Conviction Integrity Unit for the Dallas County District Attorney's Office, who confirmed that DNA testing is currently underway. Therefore, the Director believes that good cause exists for the Court to continue to hold this case in abeyance.

Routier's counsel of record, Richard Smith, also indicated that proceedings are ongoing in the state court, and that he was preparing a status report for the parties to file jointly. However, as of the date of filing, the undersigned counsel has been unable to confer with Mr. Smith again on such a report. For this reason, the Director files this status update independently.

Respectfully submitted,

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Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

JOSH RENO  
Deputy Attorney General  
for Criminal Justice

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division

/s/ Tomee M. Heining

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ATTORNEYS FOR RESPONDENT

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2022, I electronically filed the foregoing document with the clerk of the court for the United States District Court, Western District of Texas, using the electronic filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented to accept this Notice as service of this document by electronic means: J. Stephen Cooper, Jeremy Schepers, Richard Burr, and Richard Smith.

s/ Tomee M. Heining  
TOME M. HEINING  
Assistant Attorney General